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OFFICE OF PETITIONS

**INTERNATIONAL BUSINESS MACHINES CORPORATION
c/o HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN TX 78720**

In re Application of

Dutta et al.

Application No. 09/732,482

Filed: December 7, 2000

Attorney Docket No. AUS920000856US1

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: DECISION ON PETITION
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This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 20, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.


This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the Final Office action of December 20, 2004. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is March 21, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal with a fee of \$500; (2) the petition fee of \$ 1500; and (3)

a proper statement of unintentional delay. Accordingly, the Notice of Appeal filed November 20, 2006, is being accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at 571- 272 - 4914, or in his absence to the undersigned at 571 - 272 - 7099.

This application is being referred to Technology Center AU 3628 to process the Pre-Appeal Brief Request filed November 20, 2006 and for such other appropriate reply as may be submitted to continue prosecution of the application.



David Bucci
Petitions Examiner
Office of Petitions